IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 29663 of 2004(F)

PETITIONER:

ABDUL RASHEED, SHAMEEMA CASHEW AGENCIES, SHAMEEMA MANZIL, KILIKOLLOOR, KALLUMTHAZHOM P.O., KOLLAM.

BY ADV. SRI.S.SANTHOSH KUMAR.

RESPONDENTS:

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1. **THE CONTROLLING AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT 1972 (DISTRICT LABOUR OFFICER), KOLLAM.**
2. **FATHIMA BEEVI, KUZHIKKALA VADAKKATHIL, KALLUMTHAZHOM P.O., KILIKOLLOOR, KOLLAM-4.**

BY GOVT. PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29663/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PETITION DTD. 01/02/2001 OF THE R.2. TO THE R.1.

EXT.P.2: COPY OF THE OBJECTION DT. 14/11/2003 FILED BY THE PETITIONER BEFORE THE R.1.

EXT.P.3: COPY OF THE PETITION DTD. 22/11/2003 SUBMITTED BY THE PETITIONER.

EXT.P.4: COPY OF THE ORDER DTD. 17/11/2003 ISSUED BY THE R.1.

EXT.P.5: COPY OF THE ORDER DTD. 21/07/2004 ISSUED BY THE R.1.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH J.

W.P.(C) No.29663 of 2004

Dated 6th July, 2007.

J U D G M E N T

Prayer is for a direction to set aside Ext.P5 order whereby the controlling authority declined to entertain an application for setting aside an order already passed by the said authority. As rightly pointed out by the controlling authority, the said authority has finally disposed of the matter on merits by order dated 17.11.2003, hence the remedy open to the petitioner is to pursue the matter in appeal. The writ petition is hence disposed of making it clear that in the event of an appeal being filed by the petitioner against the order dated 17.11.2003 within a period of one month from today, the same shall be treated to have been filed in time.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J.

O.P. NO. OF 200

J U D G M E N T

Dated 6th July, 2007.